

PATENT  
Atty. Dkt. No. WEAT/0340

## REMARKS

This is intended as a full and complete response to the Office Action dated March 14, 2006, having a shortened statutory period for response set to expire on June 14, 2006. Please reconsider the claims pending in the application for reasons discussed below.

Claims 1-8 and 10-34 remain pending in the application after entry of this response and are shown above. Claim 9 has been canceled by Applicants without prejudice, while claims 24-34 have been added.

Claims 1-8 and 10-23 stand rejected. Claims 1 and 12 have been amended to further clarify the invention, and claim 20 has been amended to provide proper antecedent basis for claim 21. No new material has been added by the amendments. Reconsideration of the rejected claims is requested for reasons presented below.

### ***Claim Rejections Under 35 U.S.C. § 102***

Claims 1-6, 8-13 and 16-23 stand rejected under 35 U.S.C. § 102(b) as being anticipated by *Nazzal*, et al., (6,041,860). Applicants respectfully traverse the rejection.

Regarding claims 1-8 and 10-11, claim 1 has been amended to add the step of monitoring the signal via the touch screen to confirm movement of the one or more downhole devices between the positions. *Nazzal* does not teach, show or suggest monitoring the control signal to confirm movement of the one or more downhole devices between the opened and closed positions. Rather, *Nazzal* only teaches monitoring data from the service tool and values of selected tool, formation and wellbore parameters (col. 5 lines 44-47 and 60-67 and col. 6 lines 1-3) such as temperature and pressure inside the tool and in the wellbore, the depth and position of the tool, etc.

Also regarding claims 10 and 11, *Nazzal* does not teach, show or suggest controlling the open or closed position of one or more downhole devices by providing a first pressure to operate a controller. Rather, *Nazzal* only teaches pressure being

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supplied by a fluid source to provide a high pressure jet stream in a downhole cutting tool.

Regarding claims 12-13 and 16-17, claim 12 has been amended to clarify that the signal causes the tool to switch between an initial and a second state and that the fluid control system is for operating the downhole tool. As mentioned above, *Nazzal* does not teach, show or suggest monitoring variables within a fluid control system for operating the downhole tool to confirm the state of the downhole tool. Rather, *Nazzal* only teaches monitoring data from the service tool and values of selected tool, formation and wellbore parameters (col. 5 lines 44-47 and 60-67 and col. 6 lines 1-3) such as temperature and pressure inside the tool and in the wellbore, the depth and position of the tool, etc. Although *Nazzal* may measure the fluid flow of hydrocarbons and water within the wellbore that is controlled by an inflow device such as a slidable sleeve, he does not teach, disclose, or suggest monitoring variables of the control system used to control operation of the downhole tool.

Regarding claims 18-23, *Nazzal* does not teach, show or suggest that each of the plurality of downhole devices has at least an open position and a closed position and is in selective communication with a fluid source. The examiner has written that *Nazzal* (col. 3, lines 30-41 and col. 5 lines 33-35) teaches "selective communication with a fluid source," but *Nazzal* only teaches a fluid stage in a high pressure cutting tool that may include serially arranged pressure stages, wherein each such stage increases the fluid pressure above its preceding stages, and never mentions an open or closed position for this cutting tool.

Accordingly, Applicants submit that independent claims 1, 12 and 18, as well as those claims that depend therefrom, are allowable and respectfully request withdrawal of this rejection.

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***Claim Rejections Under 35 U.S.C. § 103***

Claims 7, 14, and 15 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over *Nazzal*, et al., in view of *Geaghan* et al., (2003/0063073). Applicants respectfully traverse the rejection.

As described above, Applicants have amended claims 1 and 12 to further clarify the invention. *Nazzal* in view of *Geaghan* does not teach, show or suggest monitoring the signal to confirm movement of the one or more downhole devices or monitoring variables within a fluid control system for operating the downhole tool to confirm the state of the downhole tool. Since claims 1 and 12 are allowable, Applicants submit that claims 7, 14, and 15 are allowable and respectfully request withdrawal of this rejection.

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***Conclusion***

The references cited by the Examiner, alone or in combination, do not teach, show or suggest the invention as claimed. Having addressed all issues set out in the office action, Applicant respectfully submits that the claims are in condition for allowance and respectfully request that the claims be allowed.

Respectfully submitted,

  
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